

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 26, 2009 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey D. Hsi on March 20, 2009.

Amend the application as following:

In the claims, amend claim 48 as following;

Claim 48. A method of treating a disease associated with incorrect protein expression of a transmembrane protein in a mammal in need thereof, comprising:

administering to the mammal a therapeutical effective amounts of 4-phenyl- Δ^3 -transbutenoic acid or a pharmaceutically acceptable salt thereof,

wherein the disease is cystic fibrosis and the transmembrane protein is cystic fibrosis transmembrane regulator.

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Reasons for Allowance

3. Applicants' remarks submitted January 26, 2009 have been fully considered. In view of the amendments above, the remarks are found persuasive. Particularly, as shown by the declaration filed March 5, 2007, the claimed compound Trans-SAA has superior activity and/or presence of an unexpected property over art compounds 4-PBA and cinnamic acid in regard to promotion of trafficking of function $\Delta F508$ -CFTR to cell surface. Further, as shown on the record the nexus between the functional superiority of trans-SAA and treatment of cystic fibrosis is established, particularly, in view of the amendments herein, which limit the cystic fibrosis to those associated with incorrect protein (CFTR) expression.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang whose telephone number is (571) 272-0632. The examiner can normally be reached on Monday to Friday from 7:00 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shengjun Wang/
Primary Examiner, Art Unit 1617